

**IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

REH COMPANY, Petitioner, v. UNITED STATES ENVIRONMENTAL PROTECTION AGENCY Respondent.))))))))))
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**Case No. 23-1244
(and consolidated cases)**

NON-BINDING STATEMENT OF ISSUES TO BE RAISED

Pursuant to this Court’s Order of September 12, 2023, REH Company submits its non-binding statement of issues to be raised.

1. Was the U.S. Environmental Protection Agency’s (“EPA”) decision to promulgate a 250-million-gallon supplemental total renewable fuel volume requirement for 2023 arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law?
2. Was EPA’s decision not to allow regulated entities to retire 2015 and 2016 Renewable Identification Numbers to demonstrate compliance with the 2023 supplemental fuel volume requirement arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law?
3. Did EPA violate the Clean Air Act and the Administrative Procedure Act by failing to provide a reasonable explanation for its decision?

REH Company reserves the ability to amend its issues to be raised.

Date: October 12, 2023

Respectfully submitted,

/s/ Jeffrey R. Holmstead

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CERTIFICATE OF SERVICE

Pursuant to Federal Rule of Appellate Procedure 25(d), I hereby certify that I have this day caused the foregoing Non-Binding Statement of Issues to Be Raised to be delivered electronically through CM/ECF on all ECF registered counsel of record.

Date: October 12, 2023

Respectfully submitted,

/s/ Jeffrey R. Holmstead
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